

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 199/99

Date of Decision: 15.10.1999

S.D.Shinde

Applicant.

Shri G.K.Masand

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Sri Ravi Shetty for Shri R.K.Shetty

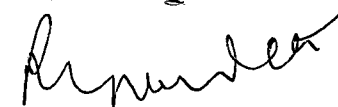
Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri.D.S.Baweja, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library


(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA. NO. 199/99

Friday this the 15th day of October, 1999.

CORAM : Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman

Hon'ble Shri D.S.Baweja, Member (A)

Subhash Digambar Shinde,
Upper Division Clerk,
Central Ordnance Depot,
Kandivili (East), Mumbai.

...Applicant

By Advocate Shri G.K.Masand

V/S.

1. Union of India through
the Secretary in the
Ministry of Defence,
3-A, South Block,
Sena Bhavan, New Delhi.
2. Commandant, Central Ordnance
Depot, Kandivli (East), Mumbai.
3. Director General of Ordnance
Services, MGO's Branch, Army
Headquarters, DHQ PO, New Delhi.
4. Director of Supplies (Tex),
Directorate General of Supplies
& Disposal, Department of Supply,
New C.G.O. Building, Churchgate,
Mumbai.

...Respondents

By Advocate Shri Ravi Shetty
for Shri R.K.Shetty

O R D E R (ORAL)

{Per : Shri Justice R.G.Vaidyanatha, VC}

In this application, the applicant is seeking a direction
that he should be relieved from the Office of Respondent No. 2
where he is working on deputation and he should be repatriated to

..2/-



his parent department which is Respondent No. 4 in the present OA. Reply has been filed on behalf of Respondent No. 4. Now the learned counsel for the respondents Shri Ravi Shetty for Shri R.K.Shetty states that he is appearing for all the respondents. Though no reply is filed by Respondents NO. 1 to 3, a statement is made at the Bar by the learned counsel for the respondents that they have no objection to repatriate the applicant to his parent department. We have heard both sides.


2. Since the matter is very short, we are disposing it of at the admission stage itself.

3. In an identical case, we have decided that in a matter like this where an officer comes on deputation and he is willing to go back, then he should be repatriated to his parent department. A copy of the earlier judgement is annexed at page 29 of the paper-book which is dated 4.9.1998 in OA.NO.1061/97. In our view, the facts of this case fully covered by the said decision. In that case, we have held that if the staff was not transferred on absorption basis as per seniority to the receiving Ministry/Field Unit, then the senior who is not willing to be absorbed cannot be forced to be absorbed in the receiving field unit.

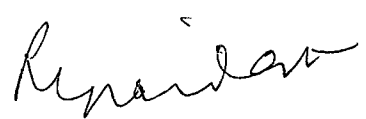
4. In the present case, the applicant has expressed willingness to go back to his parent department. Now the Respondent No. 2 under whom the applicant is working has made a

statement through his counsel that he has no objection. In the facts and circumstances of the case, we direct that applicant should be repatriated to his parent department under Respondent No. 4. The question of filling up of post will have to be decided by both the organisations and as per rules or the scheme which is in force.

5. In the result, the application is allowed with a direction to the 2nd Respondent to ^{repatriate} ~~relieve~~ the applicant to his parent department under the control of Respondent No. 4. On his repatriation, the applicant will be entitled to all consequential benefits available to him vis-a-vis his juniors as per rules and as mentioned in our earlier order. In the facts of the case, there will be no order as to costs.


(D.S. BAWEJA)

MEMBER (A)


(R.G. VAIDYANATHA)

VICE CHAIRMAN

mrj.